

JOURNAL OF THE HOUSE.

Wednesday, March 21, 2007.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Gracious God, we believe that we have been blessed by You with a variety of material and spiritual gifts which we often take for granted. Teach us to recognize and utilize in a productive manner the benefits which these gifts offer to us in our daily lives. With Your guidance, inspire us to act and legislate wisely as we promote the common good in these changing cultural and economic times. May we be alert to and respond to the local concerns of the people and constituents in today's society and of future generations. Let Your peace be a reality in our lives and reside permanently in our hearts and minds.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative Koutoujian of Waltham.

A statement of Mr. Rogers of Norwood concerning Mr. Koutoujian of Waltham, was spread upon the records of the House, as follows:

Statement concerning Representative Koutoujian of Waltham.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Koutoujian of Waltham, will not be present in the House Chamber for today's sitting due to his traveling to the Republic of Ireland to partake in an Elected Officials Leadership Program. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Kujawski of Webster.

A statement of Mr. Rogers of Norwood concerning Mr. Kujawski of Webster, was spread upon the records of the House, as follows:

Statement concerning Representative Kujawski of Webster.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kujawski of Webster, will not be present in the House Chamber for today's sitting due to a previously scheduled family commitment. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Linsky of Natick.

A statement of Mr. Rogers of Norwood concerning Mr. Linsky of Natick, was spread upon the records of the House, as follows:

Statement concerning

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Linsky of Natick, will

not be present in the House Chamber for today's sitting due to a previously scheduled family commitment. Any roll calls that he may miss today will be due entirely to the reason stated.

Representative Linsky of Natick.

Statement Concerning Representative Rice of Gardner.

A statement of Mr. Rogers of Norwood concerning Mr. Rice of Gardner, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Rice of Gardner, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that he may miss today or tomorrow will be due entirely to the reason stated.

Statement concerning Representative Rice of Gardner.

Resolutions.

Resolutions (filed with the Clerk by Mr. Rogers of Norwood) congratulating the Norwood Historical Society on its one hundredth anniversary, were referred, under Rule 85, to the committee on Rules.

Norwood Historical Society.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Rogers, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Salvatore F. DiMasi, Brian S. Dempsey and Daniel E. Bosley for legislation to establish the green communities act of 2007 through the development of a comprehensive energy policy for the Commonwealth. Under suspension of the rules, on motion of Mr. Bosley of North Adams, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Telecommunications, Utilities and Energy. Sent to the Senate for concurrence.

Green communities energy policy.

Orders of the Day.

House bills

Establishing a sick leave bank for Janice Brown an employee of the Appellate Tax Board (House, No. 44);

Second reading bills.

Establishing a sick leave bank for Antoinette Romes, an employee of the Department of Transitional Assistance (House, No. 3941, changed); and

Authorizing the town of Franklin to grant an additional liquor license for the sale of wine and malt beverages not be drunk on the premises (House, No. 3962);

Severally were read a second time; and they were ordered to a third reading.

The House Bill relative to the conveyance of a certain parcel of land in the town of Grafton (House, No. 3745) was read a second time.

Second reading bill amended.

Second reading
bill amended.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 3, in line 27 and also in lines 57 and 58, by striking out the words “state administration” and inserting in place thereof, in each instance, the words “bonding, capital expenditures and state assets”, in line 42, by inserting after the word “land” the words “at the termination of said lease”, in lines 79 to 82, inclusive, by striking out the words “may exercise its right of reverter after giving the Massachusetts state police museum and learning center written notice and an opportunity to cure and recording a notice of reversion in the appropriate registry of deeds, whereupon” and inserting in place thereof the following: “shall have a right of reversion and may exercise said right after (i) providing the Massachusetts state police museum and learning center with written notification and an opportunity to cure; and (ii) recording a notice of said reversion in the Worcester South District Registry of Deeds. Upon satisfaction of the foregoing provisions,” and in line 89, by striking out the word “or” and inserting in place thereof the word “and”,— were adopted.

The bill (House, No. 3745, amended) then was ordered to a third reading.

Recess.

Recess.

At ten minutes after eleven o'clock A.M., on motion of Mr. Kane of Holyoke (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past one o'clock P.M.; and at five minutes before three o'clock P.M. the House was called to order with Mr. Petrolati in the Chair.

Quorum.

Quorum.

Mr. Peterson of Grafton then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 25.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 146 members were recorded as being in attendance.

[See Yea and Nay No. 25 in Supplement.]

Therefore a quorum was present.

Remarks of Former Senate President Robert E. Travaglini.

Former
Senate
President
Robert E.
Travaglini.

The Speaker then took the Chair, and introduced Senator Robert E. Travaglini on this, his last day of service as President of the Massachusetts Senate.

Senator Travaglini then addressed the House, as follows:

I must confess that I was moved by the invitation of the Speaker at the conclusion of my tenure as President to come into the House and address its membership. But, it dawned on me immediately that it's clear evidence of the partnership, cooperation, respect and the affection we have for each other.

We are “them.” We are all together. Don't think people differentiate between the House and the Senate — they don't. We are “them”. When they see us, it's “Get them! Don't let them get by ya!”

This is a highlight for me. When I've stood at this rostrum before you, we've had complex, emotional, passionate debate. Now I come before you today to bid you farewell and to express my appreciation for your friendship and for your kind words. The last forty-eight hours for my wife and I have been an overpowering, emotional roller-coaster ride. When the date and time comes — and it will for each and every one of you — for you to make your exit from this building and this business, you will be overcome with a wave of emotion, and every face that you see will trigger a story and a memory that will immediately flush through your system, and you will be reminded of all the good deeds that have been done by you individually and by us collectively. You see, in the end, the true measure of our success is not so much in the list of legislative achievements that we can define and point to with some degree of pride; the true measure of our success is how we look at each other — what we think, how we feel, and what we do when we see each other.

Historically, before we all arrived here, there was conflict. There was confrontation, and it led to impasse. To me, it didn't seem to be a good way to do business. There was a better way, it started with Speaker Finneran and it got better with Speaker DiMasi. And now, for me, it comes to an end. It doesn't have to end for you, and it shouldn't end for as long as you occupy those seats. You know as well as I do, when people like you they find a way to help you. And when they don't like you . . . fill in the blank! This business is not complicated and I'm certainly not going to lecture you — you know as well as I do. But it makes good sense for us to get along. We don't have to go out and wine and dine.

When something means a lot to you, it's one thing to get it done here and it's a whole different dimension of getting it through the process. And how do you get it through the process? By having friends along the way. It's simple. So please, if there's anything that you would do for me, now that I'm getting out of here and getting out of your way and getting out of your hair, do it for yourself.

Always remember that there can be differences between the branches, but if you want something done, you need them both. And the only way you do it is by working at it and making it personal. And by that, I mean having relationships with your colleagues, where you can talk to them rationally and ask them for some help. And you'll be surprised when you ask somebody, they respond. I've done it for the Speaker, he's done it for me. There's faces here that spark immediate stories, but I want you to know that this has been a very powerful day for me.

The opportunity that the Speaker has given me and the attention and respect that you have shown me is a highlight of this day for me to come into this Chamber and to say farewell to my friends. Thank you, I won't forget it.

Mr. Petrolati of Ludlow then moved that the remarks of Senator Travaglini be spread upon the records of the House; and the motion prevailed.

Emergency Measure.

Leicester,
development.

The engrossed Bill releasing a nondevelopment covenant restriction on certain land located in the town of Leicester (see House, No. 19, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

Bill enacted
(land taking),
yea and nay
No. 26.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 26 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Capital
improvements.

The House Bill providing for the immediate capital improvement needs of the Commonwealth (printed in House, No. 2915) was read a second time; and it was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. DeLeo of Winthrop (Mr. Donato of Medford being in the Chair), the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed (Mr. Petrolati of Ludlow being in the Chair), Mr. Jones of North Reading and other members of the House moved to amend the bill in section 2, in items 1102-1994 and 5500-9405, by striking out, in each instance, the words "provided, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects" and in items 2000-2014 and 2000-2021, by striking out, in each instance, the words "provided, that amounts expended for agency employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects"; in section 2A, in items 6033-0715 and 6033-0716, by striking out, in each instance, the words "provided, that amounts expended for department employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects"; and in section 2B, in item 6033-0717, by striking out the words "provided, that amounts expended for agency employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects".

After debate the amendments were rejected.

Mr. Jones and other members of the House then moved to amend the bill by inserting after section 13 the following section:

"SECTION 13A. The secretary for administration and finance shall file a report with the house and senate committees on ways and means, the joint committee on bonding, capital expenditures and state assets, and the house and senate clerks no later than June 30, 2007. This report shall include written documentation of a strategy to phase out the practice of expending amounts appropriated with funding from bonds to fulfill salaries and salary-related expenses for employees of the commonwealth."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 19 members voted in the affirmative and 134 in the negative.

Amendment
rejected,
yea and nay
No. 27.

[See Yea and Nay No. 27 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 13 the following section:

"SECTION 13A. The state treasurer, in consultation with the secretary of administration and finance, shall file a report with the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets by June 30, 2007 on the implementation of sections 11 and 12 of this act. The report shall include the issue or issues to be refunded, the criteria used in determining the projects to be financed with the 30 year bonding term, the number of state projects using the 30 year terms and the additional interest payments made by the state due to the additional five years of bonding."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 19 members voted in the affirmative and 133 in the negative.

Amendment
rejected,
yea and nay
No. 28.

[See Yea and Nay No. 28 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 11, in paragraph (c), and also in section 12, in paragraph (c), by inserting after the word "means", in each instance, the words "the joint committee on bonding, capital expenditures and state assets".

After debate the amendment was rejected.

Mr. DeLeo of Winthrop then moved that the bill be amended in section 7, at the end of the first sentence, by striking out the figures "134,400,000" and inserting in place thereof the figures "244,400,000".

After debate the amendment was adopted.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Hynes of Marshfield; and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill passed
to be
engrossed,
yea and nay
No. 29.

[See Yea and Nay No. 29 in Supplement.]

Therefore the bill (printed in House, No. 2915, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at two o'clock P.M.

Representatives Creedon of Brockton, Canavan of Brockton and Kennedy of Brockton then moved that as a mark of respect to the memory of James R. Lawton, a member of the House from Brockton from 1953 to 1962, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at seven minutes before five o'clock P.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House adjourned to meet tomorrow at two o'clock P.M.